

July 15, 1998

INDIVIDUAL PRACTICES OF JUDGE JOHN F. KEENAN

Unless otherwise ordered by Judge Keenan, matters before Judge Keenan shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters. Except as otherwise provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. Telephone Calls. Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at 212-805-0220.

C. Faxes. Faxes to chambers are not permitted.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call William Ryan at 212-805-0106 between 9:00 A.M. and 4:00 P.M.

E. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

F. Applications to the Court.

(1) Draft Orders. In order to promote rapid disposition of letter applications, parties are encouraged to submit draft orders along with their requests for Court action.

(2) Discovery. If discovery has been referred to a Magistrate Judge, all applications concerning discovery should be directed to the Magistrate Judge. If discovery has not been referred, any application for a modification of the discovery schedule should be made in writing, and must note all previous applications and state whether opposing counsel consents to the requested modification.

G. Applications for Orders to Show Cause

(1) Generally. As required by Local Rule 6.1(d), when proceeding by Order to Show Cause, the accompanying affidavit must sufficiently state why procedure other than notice of motion is necessary. All Orders to Show Cause must be approved by the Orders and Appeals Clerk at 500 Pearl Street. After approval, the party requesting relief must deliver the original Order to Show Cause with accompanying papers (including a memorandum of law and draft order) and courtesy copies to Chambers. The party will be contacted by Chambers when the papers are ready to be picked up and filed.

(2) Default Judgments. Applications for entry of default judgments must be brought on by Order to Show Cause served upon the party to be defaulted.

(3) Ex Parte Temporary Restraining Orders. Ex parte temporary restraining orders ordinarily will not be granted. Parties are reminded that this relief requires the posting of a bond.

2. Motions

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2 For motions other than discovery motions, a pre-motion conference with the court is required before making any motion, except for motions in lieu of an answer, cross-motions, or motions for reargument. To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion.

B. Courtesy Copies. Courtesy copies of all motion papers, marked as such, should be submitted for chambers. Courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practicable after filing.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents. Copies of unpublished authority cited in a memorandum should accompany the submission.

D. Filing of Motion Papers. No motion papers shall be filed until the motion has been fully briefed. Each party shall file its motion papers on the date the last reply memorandum is due. The moving party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers.

E. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. Pretrial Procedures

A. Once a ready for trial date has been fixed by the Court, the parties shall comply with the Pre-trial Requirements of Judge Keenan. Copies of the Pre-trial Requirements will be distributed to counsel on the date upon which the ready for trial date is fixed.

B. Ready for Trial Calendar. Counsel for cases on the ready for trial calendar will be notified by Chambers not less than forty-eight (48) hours before the case is called. Applications to have a case removed from the calendar for a period of time must be in writing and must state the reasons for the removal, the time period requested, and whether opposing counsel consents to the request.